TABLE OF CONTENTS
IV 2328250

MISCELLANEOUS DOCUMENTS

- Administrative rights forms
- Copy of Claremont Police Department's Investigation Report
- Copies of the Doubletree's shift reports from January 7 and 8 of 2013
- Copies of all documents (text messages, photos, and computer screen shots) supplied by Subject Mascheroni
- Request for Internal Affairs Investigation
- Subject Mascheroni's relieved of duty paperwork
- IAB Mandatory Notification Form

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

CASE NUMBER:	IV 2328250
SUBJECT(S):	Albert Mascheroni, Deputy, #[redacted]
STATION/UNIT/BUREAU:	Lakewood Station, South Patrol Division
DATE/TIME/DAY:	January 8, 2013, 0800 hours, Tuesday
LOCATION:	555 West Foothill Boulevard, Claremont, CA. 91711

ALLEGATION:

On January 8, 2013, while off-duty, Deputy Albert Mascheroni (Subject) represented himself as an officer on official business. He used his Sheriff's Department issued badge and identification card to falsely obtain the room number and access key card to [redacted] hotel room. Subject Mascheroni then accessed the hotel room and took [redacted] only pair of pants.

SYNOPSIS:

On January 7, 2013, Subject Mascheroni showed up at the Chili's restaurant in Glendora where [redacted] (Complainant), [redacted] was meeting a friend (Witness), [redacted] for drinks. Ms [redacted] had a short conversation with Subject Mascheroni about why he was at the restaurant before Witness [redacted] arrived. Witness [redacted] arrived at Chili's and had a short conversation with Ms. [redacted] about how Subject Mascheroni, who he had passed while walking into the Chili's, knew Ms. [redacted] location. They left Chili's to get away from Subject Mascheroni.

Ms. [redacted] and Witness [redacted] left Chili's in Witness [redacted] car, leaving Ms. [redacted] car in the Chili's parking lot, and they drove to a restaurant (Buca di Beppo) in Claremont. They had a few drinks and decided to get a hotel room at the Claremont Doubletree hotel. Ms. [redacted] and Witness [redacted] consensually spent the night together at the hotel. Subject Mascheroni drank at the Chili's until approximately 2:00 am and spent the night in his vehicle in the parking lot of the Chili's.

Early the next morning (January 8, 2013) Witness [redacted] left the hotel room for work, leaving Ms. [redacted] at the hotel room alone. Shortly after Witness [redacted] left, Ms. [redacted] turned her cell phone on and saw she had received numerous text messages from friends checking on her safety because of recent nude pictures posted on her personal Facebook page during the night by Subject Mascheroni.

After spending the night in his vehicle, Subject Mascheroni used a Global Positioning System (GPS) software he installed on Ms. [redacted] phone to track her to the Doubletree hotel in Claremont. At approximately 8:00 am on January 8, 2013, Subject Mascheroni walked into the Doubletree hotel lobby and contacted the [redacted], (Witness) [redacted] Subject Mascheroni asked Witness [redacted] if they had a guest registered by the last name of "[redacted] Witness [redacted] advised Subject Mascheroni they did and she offered to connect him via telephone with Witness [redacted] room. Subject Mascheroni showed Witness [redacted] what she believed was a Los Angeles Sheriff's Department badge and identification card. Seeing the identification and badge Witness [redacted] made an access key card and gave the key card to Subject Mascheroni.

Shortly after obtaining the access key card, Subject Mascheroni went to and entered Witness [redacted] room (#2202). When Subject Mascheroni entered the room, Ms. [redacted] was in the room alone, lying on the bed under the covers. Startled and scared by Subject Mascheroni's presence, Ms. [redacted] asked Subject Mascheroni what he was doing there. Subject Mascheroni and Ms. [redacted] argued for several minutes before Subject Mascheroni took a photo of Ms. [redacted] and left the room.

About 30 minutes after leaving the room, Subject Mascheroni came back into the room, using the access card, and another argument between Ms. [redacted] and Subject Mascheroni occurred. Subject Mascheroni then took Ms. [redacted] only pair of pants, which also contained her California driver's license, and left the hotel.

During this time Witness [redacted] who was driving to work, received a text message from Subject Mascheroni that insinuated Subject Mascheroni had sex with Ms. [redacted] The text message had a photo attached of Ms. [redacted] sitting on the corner of the hotel room bed. Upon receiving the text message Witness [redacted] called the Doubletree hotel to advise the hotel staff he was not responsible for what was going on in the room.

After talking with Witness [redacted] the hotel staff (Witness [redacted] and Witness [redacted]) went to room #2202 to check the status of the room. They found Ms. [redacted] was the only person in the hotel room. Ms. [redacted] advised them that Subject Mascheroni had taken her pants. After hearing the conversation between Ms. [redacted] and Witness [redacted], Witness [redacted] called the Claremont Police Department to report the incident.

The Claremont Police Department responded and completed an incident report (#1300069) for Grand Theft Person, naming Subject Mascheroni as a suspect.

IAB Note: The Claremont Police Department's incident report is included with this investigation as **Exhibit A.**

During Claremont Police Department's investigation they learned Subject Mascheroni was a deputy sheriff assigned to Lakewood Sheriff's Station. On January 8, 2013, at approximately 1234 hours Claremont Police Department notified the Lakewood Station Watch Commander, Lieutenant Dinh of the incident.

On January 8, 2013, Lieutenant Dinh conducted an initial supervisor inquiry into the incident. Lieutenant Dinh interviewed Ms. [redacted] Witnesses [redacted] and [redacted] via telephone. During the interviews of Witnesses [redacted] and [redacted] Lieutenant Dinh learned the Doubletree hotel had video surveillance in the lobby.

On January 9, 2013, Lieutenant Dinh obtained a copy of the Claremont Doubletree hotel's lobby surveillance video **(Exhibit B)** from Witness [redacted] Lieutenant Dinh and Witness [redacted] watched the video footage together and Witness [redacted] pointed out to Lieutenant Dinh the person in the video who showed her the badge. Lieutenant Dinh immediately recognized the person who Witness [redacted] pointed out as Subject Mascheroni.

IAB Note: Lieutenant Dinh completed an Office Correspondence documenting his initial inquiry into the incident, which is included with this investigation as **Exhibit C.**

On January 31, 2013, Claremont Police Department closed their investigation because Ms. [redacted] was not desirous of criminal prosecution. The Claremont Police Department's Investigation Report is included with this investigation in **Miscellaneous Documents.**

COMPLAINANT INTERVIEW:

[redacted] **FW/32,** was interviewed on January 8, 2013, at 1457 hours by Lieutenant Minh Dinh of Lakewood Station. The interview was a telephone interview. On August 29, 2013, Ms. [redacted] was interviewed a second time by Sergeants Slade Carrizosa and Romeo Ingreso of Internal Affairs Bureau. Both interviews were digitally recorded and transcribed. The following is a summary of her two interviews.

Ms. [redacted] and Subject Mascheroni had been in an [redacted] for approximately 12 years. Ms. [redacted] with Subject Mascheroni from August of 2012 to November of 2012 when they [redacted] Ms. [redacted] and Subject Mascheroni [redacted] over the Christmas holiday and Ms. [redacted] again [redacted] on January 1, 2013.

After [redacted] with Subject Mascheroni, Ms. [redacted] arranged, via text message, to meet her friend, [redacted] at the Chili's restaurant in Glendora on January 7, 2013. When Ms [redacted] arrived at the Chili's, Subject Mascheroni arrived at the front door at the same time as Ms. [redacted] Ms. [redacted] asked Subject Mascheroni what he was doing at the restaurant. Subject Mascheroni said, "I just wanted to see if you'd fall for it." Ms [redacted] believed Subject Mascheroni was trying to make her think she had been communicating with him via text message and not Witness [redacted] Subject Mascheroni entered the restaurant. After a short time he left, and Witness [redacted] arrived.

Ms. [redacted] said she did not invite or tell Subject Mascheroni she was going to the Chili's in Glendora. Ms [redacted] believed Subject Mascheroni hacked her cell phone and tracked her via GPS through her cell phone. Ms. [redacted] said she did not have any proof that Subject Mascheroni hacked and tracked her by her cell phone, but that was not the first time Subject Mascheroni showed up at a location where she was. Ms. [redacted] said Subject Mascheroni worked on her cell phone and she believed he did something to her phone, allowing him to track her.

After Witness [redacted] arrived, Ms. [redacted] told him they needed to leave because Subject Mascheroni had come back into the Chili's and sat at the bar. Ms. [redacted] and Witness [redacted] both left the Chili's in Witness [redacted] vehicle. They drove around for a while and decided to stop at Buca di Beppo in Claremont. They had a couple drinks and Ms. [redacted] and Witness [redacted] decided to get a hotel room at the Claremont Doubletree hotel located next door to the restaurant.

Ms. [redacted] spent a consensual night with Witness [redacted] at the hotel. The next morning (January 8, 2013) Witness [redacted] left for work, leaving Ms. [redacted] at the hotel room alone. After Witness [redacted] left, Ms. [redacted] turned her cell phone on and saw she had numerous text messages from friends worried about her safety because of five nude pictures posted on her Facebook page during the night.

Shortly after Witness [redacted] left the hotel room for work, Ms. [redacted] heard someone coming into the room. Ms [redacted] believed it was Witness [redacted] returning to their room, to her surprise it was Subject Mascheroni who came into the room. Ms. [redacted] was shocked, scared, nervous, and upset when she saw Subject Mascheroni in her room.

Ms. [redacted] asked Subject Mascheroni what he was doing there. Subject Mascheroni said, he wanted to see it for himself who Ms. [redacted] would choose. Subject Mascheroni tried to talk Ms. [redacted] into having sex with him. Ms. [redacted] said she was "disgusted" by the request to have sex, and told him no. Subject Mascheroni tried to talk Ms. [redacted] into leaving with him; she declined and asked him to leave. Subject Mascheroni asked Ms. [redacted] if she needed a ride to her car. Ms. [redacted] declined and told him she would call a cab. Subject Mascheroni took a picture of Ms. [redacted] on the hotel bed with his phone and left the room.

When Subject Mascheroni was out of the room, Ms. [redacted] received a call on the hotel room phone from Witness [redacted] Witness [redacted] told Ms. [redacted] he received a text message from Subject Mascheroni that said he (Mascheroni) had sex with her. Witness [redacted] told Ms. [redacted] he called hotel security.

After leaving the hotel room the first time, Subject Mascheroni came back into the hotel room while Ms. [redacted] was still talking to Witness [redacted] on the phone. Ms. [redacted] was trying to tell Witness [redacted] that Subject Mascheroni was back, but the presence of Subject Mascheroni did not allow her to say anything. Subject Mascheroni then grabbed her pants from the table in hotel room and left.

At no time did Subject Mascheroni communicate with Ms. [redacted] any reason for taking her pants. After Subject Mascheroni took Ms. [redacted] pants, she text him and told him she needed her pants back because her driver's license was inside her pants. After Ms. [redacted] talked to the Claremont Police Department and was waiting for [redacted] to arrive from Big Bear with pants, she received a text from Subject Mascheroni telling her that her pants were in her car.

Ms. [redacted] denied inviting or giving Subject Mascheroni any reason to come to the hotel. Ms. [redacted] believed Subject Mascheroni only knew her location because Subject Mascheroni hacked into her phone and used GPS to find her.

When Ms. [redacted] returned to her car in Glendora, she recovered her pants from inside her car. Ms [redacted] said nothing was missing from her pants. Ms. [redacted] said her vehicle was locked but she had left a window down enough for her pants to be slid through the open window. Upon looking through her car, Ms. [redacted] noticed she was missing two retail store gift cards. Ms [redacted] said she found a note written on her computer from Subject Mascheroni that stated he had taken the gift cards.

IAB Note: During Ms. [redacted] interview she stated she would take a picture of the note written on her computer and provide the picture to Sergeant Carrizosa. Despite several attempts by Sergeant Carrizosa to obtain the picture, Ms. [redacted] failed to provide the picture.

Ms. [redacted] also saw her computer bag was dumped out and she believed Subject Mascheroni had accessed her computer or a memory stick and obtained four of the five nude photos that were posted on her Facebook page. One of the nude pictures posted on her Facebook page belonged to Subject Mascheroni. Ms. [redacted] said the other four pictures were only on her computer and a memory stick that was in her car, and the pictures were her property.

Ms. [redacted] said she knew Subject Mascheroni posted the pictures on her Facebook page because of status updates that referred to situation with Witness [redacted]

Ms. [redacted] did not save any of the text messages from Subject Mascheroni. At the time of her Internal Affairs Bureau interview Ms. [redacted] did not have any copies of the Facebook post or of the picture of her on the hotel room bed taken by Subject Mascheroni. Ms. [redacted] believed her [redacted] may have taken a screen shot of the Facebook post and saved a copy of the picture from the hotel room.

IAB Note: Ms. [redacted] checked her records and her [redacted] records but she was unable to find the picture of her in the hotel room or the Facebook posts.

The only communication Ms. [redacted] has had with Subject Mascheroni following this incident was within a few days of the incident when she received an apology text message from Subject Mascheroni.

After the incident Ms. [redacted] filed for a restraining order. During the restraining order process she met with Subject Mascheroni's attorney and they signed a settlement agreement to stay away from each other.

During Ms. [redacted] Internal Affairs Bureau interview she was shown the Claremont Doubletree hotel surveillance video **(Exhibit B)**. She immediately identified Subject Mascheroni, who was wearing what appeared to be a two-tone striped sweatshirt, when he appeared in the camera's view.

On September 26, 2013, a follow up phone interview of Ms. [redacted] was conducted by Internal Affairs Sergeant Slade Carrizosa. Sergeant Carrizosa conducted the interview to ascertain if Ms. [redacted] had given Subject Mascheroni permission to install software on her cell phone.

Ms. [redacted] said she did not give Subject Mascheroni permission to install any software on her cell phone that would allow Subject Mascheroni to track her ([redacted]) whereabouts or that would allow him (Mascheroni) to view her text messages. Ms. [redacted] said Subject Mascheroni never asked or told her he was putting tracking software on her cell phone.

For Ms. [redacted] complete statements, refer to her interview transcripts, included in this case book.

WITNESS INTERVIEWS:

[redacted] **MW/36,** was interviewed on January 8, 2013, at 1412 hours by Lieutenant Minh Dinh of Lakewood Station. The interview was a telephone interview. On August 28, 2013, at 0930 hours Mr. [redacted] was interviewed a second time by Sergeant Slade Carrizosa of Internal Affairs Bureau. Both interviews were digitally recorded and transcribed. The following is a summary of his two interviews.

Witness [redacted] has known Ms. [redacted] for approximately 10 years, and the whole time he has known Ms. [redacted] she has had an on and off again relationship with Subject Mascheroni. Throughout the years when he met up with Ms. [redacted] she would always tell Witness [redacted] she and Subject Mascheroni were broken up. Witness [redacted] said Subject Mascheroni was always around and seemed to never want Ms. [redacted] to move on from their relationship.

Witness [redacted] planned to meet Ms. [redacted] for drinks on January 7, 2013, at the Chili's in Glendora. When he arrived he saw Ms. [redacted] at the bar in Chili's and a male, later identified as Subject Mascheroni, talking to her. As he walked into the bar he and Subject Mascheroni crossed paths and Subject Mascheroni said, "Good luck with her buddy." Witness [redacted] had only seen pictures of Subject Mascheroni and did not know who he was when they crossed paths. Witness [redacted] asked Ms. [redacted] who that was, Ms. [redacted] told him that was Subject Mascheroni and accused Witness [redacted] of being in cahoots with Subject Mascheroni and arranging the meeting. Ms. [redacted] went on to tell Witness [redacted] that her phone must be bugged and he (Mascheroni) was tracking her. Witness [redacted] suggested they go somewhere else.

Witness [redacted] and Ms. [redacted] left together in Witness [redacted] car. After driving around they stopped at Buca di Beppo in Claremont. Witness [redacted] was sure they were not followed by Subject Mascheroni to the restaurant. After having a couple drinks, Witness [redacted] and Ms. [redacted] decided to get a room at the Claremont Doubletree hotel.

Witness [redacted] and Ms. [redacted] spent a consensual night together at the hotel. When Witness [redacted] turned his phone on early the next morning (January 8) he listened to a voice message he had from Subject Mascheroni asking him to have [redacted] call him. Witness [redacted] did not relay the message and left for work.

Shortly after leaving the hotel, Witness [redacted] received a text message from Subject Mascheroni. The text message contained a picture of Ms. [redacted] under the covers on the corner of the hotel room bed, with the text message, "Thanks for paying the room, the $94; we got a two-for deal. Lucky number two." Witness [redacted] believed Subject Mascheroni was trying to get "under his skin." Witness [redacted] said he did not respond

with any animosity. Subject Mascheroni continued to send text messages to Witness [redacted] demeaning Ms. [redacted] and accusing Witness [redacted] of being a rapist and saying he found drugs in Ms. [redacted] pants.

> **IAB Note:** In the days following Witness [redacted] phone interview with Lieutenant Dinh, Witness [redacted] said he emailed or text a copy of the text messages and the picture of Ms. [redacted] to Lieutenant Dinh. Lieutenant Dinh never received the email or text. After his Internal Affairs interview, Witness [redacted] checked his records and did not locate the text messages or the picture.

After Witness [redacted] received the text messages from Subject Mascheroni he called the hotel to advise them he was not responsible for any damages to the hotel room because he was no longer at the hotel. The hotel staff told Witness [redacted] a Sheriff was there doing an investigation. After Witness [redacted] called the hotel he started to get messages from Ms. [redacted] telling him what happened.

Witness [redacted] said he continued to get text messages from Subject Mascheroni for a day or two after the incident until he told Subject Mascheroni he was saving his text messages and a lieutenant is trying to get in touch with him. After that, the text messages stopped, and he has not heard from Subject Mascheroni since.

Witness [redacted] watched the Doubletree hotel lobby surveillance video and at 8am and 8 seconds on the video, Witness [redacted] identified the male at the top right side of the screen as Subject Mascheroni.

For Witness [redacted] complete statement, refer to his interview transcripts, included in this case book.

[redacted] **FW/28,** was interviewed on January 8, 2013, at 1324 hours by Lieutenant Minh Dinh of Lakewood Station. The interview was a telephone interview. On August 29, 2013, at 1105 hours Witness [redacted] was interviewed a second time by Sergeant Slade Carrizosa of Internal Affairs Bureau. Both interviews were digitally recorded and transcribed. The following is a summary of her two interviews.

Witness [redacted] was the Doubletree hotel employee who Subject Mascheroni contacted at the front desk the morning of January 8, 2013. Witness [redacted] arrived at work at approximately 0745 hours and at about 0800 hours she went out to the front desk to help guests.

Witness [redacted] helped a person she believed to be a male Hispanic (Mascheroni) approximately 5'8" tall who was waiting in the lobby of the hotel. Subject Mascheroni told Witness [redacted] he was looking for a guest checked in with the last name of "[redacted] Witness [redacted] had Subject Mascheroni verify the first name [redacted] Witness [redacted] told Subject Mascheroni she could call the room and connect Subject Mascheroni with the room, although she was not authorized to give him the room number due to privacy rules.

Subject Mascheroni then showed Witness [redacted] a badge and a picture identification card saying, "Well I'm actually an officer on business," and he did not want to "Ruin the element of surprise." Witness [redacted] saw the picture on the identification appeared to match the person (Mascheroni) she was talking with and believed Subject Mascheroni was there on official business. She made a pass key card for Subject Mascheroni.

> **IAB Note:** Witness [redacted] described the badge as a star in a black case with blue lettering with a picture identification card next to the badge.

Witness [redacted] said approximately 30-45 minutes after giving the key card to Subject Mascheroni she received a call from the registered hotel room guest, (Witness) [redacted] Witness [redacted] told Witness [redacted] he had already left the hotel and did not want to be held responsible for any charges or damages to the room. After she received the call from Witness [redacted] she and (Witness) [redacted] proceeded to the room to assess the situation.

When she and Witness [redacted] arrived at the room they contacted Ms. [redacted] who was the only person in the room. Ms. [redacted] was distraught and asked them if they saw the man with her pants. Ms. [redacted] was wrapped in a blanket and went on to tell them Subject Mascheroni had taken her pants.

Based on what was related to them they immediately called the Claremont Police Department to report the incident.

Witness [redacted] checked with the hotel staff and the shift reports from January 7 and 8 of 2013 for any record of Subject Mascheroni or anyone coming into the hotel lobby prior to the time she ([redacted]) talked with Subject Mascheroni the morning of January 8, 2013. She did not find any record of anyone coming into the lobby to check on guests. Copies of the Doubletree shift reports are included with this investigation in **Miscellaneous Documents.**

For Witness [redacted]' complete statement, refer to her interview transcripts, included in this case book.

IAB Note: The first four pages of Witness [redacted] transcribed phone interview with Lieutenant Dinh is a brief interview/conversation with Witness [redacted]

[redacted] **MW/46,** was interviewed on January 8, 2013, at 1324 hours by Lieutenant Minh Dinh of Lakewood Station. The interview was a telephone interview. On September 11, 2013, at 1420 hours Witness [redacted] was interviewed a second time by Sergeants Slade Carrizosa and Justin Diez of Internal Affairs Bureau. Both interviews were digitally recorded and transcribed. The following is a summary of his two interviews.

Witness [redacted] was the Doubletree hotel employee who went with Witness [redacted] to check on room #2202. Witness [redacted] was asked by Witness [redacted] to meet her at room #2202. When he and Witness [redacted] arrived they knocked on the door, and after no answer they opened the hotel room door. He saw the only person in the room was a distraught female (Ms. [redacted] who was only wearing a bra and underwear. Witness [redacted] stood at the entry door to the hotel room while Witness [redacted] talked to Ms. [redacted] He overheard Ms. [redacted] tell Witness [redacted] someone stole her clothes. Upon hearing what Ms. [redacted] was saying, Witness [redacted] and Witness [redacted] looked at each other and he decided to call the Claremont Police Department. Witness [redacted] used his cell phone to call the police while he stood at the door to the hotel room. Witness [redacted] remained just outside the hotel room door until the Claremont Police arrived and while they conducted their investigation.

Later after the incident was over, with the assistance of Witness [redacted] Witness [redacted] searched the hotel lobby surveillance video footage and found footage that showed Subject Mascheroni enter the hotel lobby and contact Witness [redacted] at the front desk. Witness [redacted] saved a copy of the video footage to a memory stick (thumb drive). He later gave the memory stick to a Sheriff's Lieutenant that came to the hotel.

Witness [redacted] viewed the hotel surveillance footage from the entry and exit of building number two, where room #2202 in located. He said the video footage was such poor quality that you could not see anyone enter or exit the building.

For Witness [redacted] complete statement, refer to his interview transcripts, included in this case book.

SUBJECT INTERVIEW:

Albert Mascheroni, Deputy, #[redacted] was interviewed on September 25, 2013, at approximately 1440 hours by Sergeants Slade Carrizosa and Romeo Ingreso of Internal Affairs Bureau. Deputy Mascheroni was represented by Mitchell Kander, Attorney from the Law Office of Greene & Shinee. Deputy Mascheroni's interview was digitally recorded and transcribed. The following is a summary of his interview.

Subject Mascheroni has known Ms. [redacted] for approximately 13 years and described their relationship as on-and-off again [redacted] They cared for each other like brother and sister, although they were [redacted] with each other.

On January 8, 2013, Subject Mascheroni said their [redacted] was in "limbo." In the week prior to January 8, 2013, Subject Mascheroni was not sure if he met in person with Ms. [redacted] but they did text each other. The text messages ranged from Ms. [redacted] asking him for a loan, to sending him naked photos. Subject Mascheroni said he saved all the text messages and would provide them to Sergeant Carrizosa.

> **IAB Note:** On October 3, 2013, Sergeant Carrizosa received copies of the text messages, emails, instant messages, and photos sent during the week prior to January 8, 2013, which are included with this investigation as **Exhibit D.**

Subject Mascheroni said he knew about Ms. [redacted] meeting Mr. [redacted] at the Chili's in Glendora on January 7, 2013, because he had installed software on Ms. [redacted] cell phone that enabled him to see all of Ms. [redacted] text messages. Subject Mascheroni also installed software on Ms. [redacted] cell phone that allowed him to track Ms. [redacted] cell phone via Global Positioning System (GPS). Subject Mascheroni stated he asked Ms. [redacted] for her "explicit permission" to install the software on her cell phone. He did this so nothing would be hidden and Ms. [redacted] would know about the software on her phone.

Subject Mascheroni said the reason he installed the software on Ms. [redacted] cell phone was because she was known to drink too much, pass out, and get stranded. On one occasion Subject Mascheroni said he received a call from a guy stating Ms. [redacted] was passed out and was getting raped. After that incident Subject Mascheroni installed the tracking software on her phone.

After seeing the text messages from Ms. [redacted] and Mr. [redacted] stating they were meeting at the Chili's in Glendora, Subject Mascheroni became concerned for Ms. [redacted] safety.

IAB Note: In the text messages, **Exhibit D**, provided by Subject Mascheroni there was no mention of meeting at the Chili's in Glendora found.

Subject Mascheroni was concerned because Ms. [redacted] had told him about abuse in the relationship with Mr. [redacted] and he saw text correspondences on his computer between Ms. [redacted] and Mr. [redacted] In the text correspondences, approximately one month prior to January 8, 2013, Mr. [redacted] talked about [redacted] Ms. [redacted]

IAB Note: A copy of the text conversation from October 25 and 26, 2012, between Mr. [redacted] and Ms. [redacted] in which the phrase "[redacted]" is used was provided by Subject Mascheroni On October 3, 2013, and is included with this investigation as **Exhibit E.**

IAB Note: In the text conversation in **Exhibit E and F** the "626" number with the name "[redacted]" belonged to Mr. [redacted] The"562"number with the name "Al" belonged to Subject Mascheroni.

Subject Mascheroni tried to get Ms. [redacted] to open up and tell him about the [redacted] but Ms. [redacted] never told Subject Mascheroni she was [redacted] by Mr. [redacted] Subject Mascheroni still believed Ms. [redacted] was [redacted] by Mr. [redacted] Subject Mascheroni never reported the crime because he did not feel he had sufficient information. Subject Mascheroni did not think Ms. [redacted] was in any immediate danger, because he did not think Ms. [redacted] would ever see Mr. [redacted] again.

Because of his concern, Subject Mascheroni went to the Chili's to see for himself if Ms. [redacted] was really meeting up with Mr. [redacted] Once at the Chili's in Glendora, Subject Mascheroni had a short conversation with Ms. [redacted] only saying, "I wanted to see for myself." Ms [redacted] tried to talk to Subject Mascheroni and he said, "I'm fine." He and Mr. [redacted] crossed paths as he walked out of the Chili's. Subject Mascheroni did not recall saying anything to Mr. [redacted] as he walked passed him.

Ms. [redacted] left with Mr. [redacted] and Subject Mascheroni stayed at the Chili's bar till approximately 2:00 am drinking. After drinking, Subject Mascheroni decided to spend the night in his truck in the parking lot of the Chili's.

After leaving the Chili's, Subject Mascheroni said he was "Childish" and accessed Ms. [redacted] personal Facebook page, from his computer in his vehicle, and posted topless photos he had of Ms. [redacted] on her Facebook page. Subject Mascheroni admitted to not having permission to access Ms. [redacted] Facebook page.

Subject Mascheroni said he did not try to track Ms. [redacted] cell phone until approximately 6:00 am the next morning (January 8). At approximately 6:00 am Subject Mascheroni called Ms. [redacted] cell phone, and the call went straight to voice mail. Subject Mascheroni then tried to GPS track her cell phone and he determined Ms. [redacted] cell was off. Subject Mascheroni continued checking for Ms. [redacted] GPS location and eventually was notified via the tracking program that Ms. [redacted] cell phone was in Claremont.

Subject Mascheroni drove from the Chili's in Glendora to Claremont not knowing her exact location in Claremont. While driving, Subject Mascheroni text Ms. [redacted] asking her where she was and if she was okay. Subject Mascheroni said Ms. [redacted] responded via text telling him she was okay. When Subject Mascheroni arrived where the GPS program indicated Ms. [redacted] cell phone was, he realized he was at the Doubletree hotel in Claremont.

When Subject Mascheroni arrived at the Doubletree, he knew Mr. [redacted] had already left because he (Mascheroni) was still monitoring Ms. [redacted] text messages. Subject Mascheroni said Ms. [redacted] did not ask him to come to the hotel nor did she indicate in any of the text message conversation she was under any type of duress and needed his help. Subject Mascheroni went into the hotel because he wanted to see for himself if Ms. [redacted] was okay.

> **IAB Note:** Copies of all the text message conversations between Ms. [redacted] and Mr. [redacted] provided by Subject Mascheroni from January 7 through January 8, 2013, are included with this investigation as **Exhibit F.**

Subject Mascheroni walked into the hotel lobby and asked the female clerk, Witness [redacted], for the room number for [redacted] or [redacted] Witness [redacted] told Subject Mascheroni she could call them and let them know you're here. Subject Mascheroni told Witness [redacted] "No, I just want to make sure she's was okay," and showed Witness [redacted] his Sheriff's Department flat badge and identification.

Subject Mascheroni did not remember telling Witness [redacted] that he did not want to ruin the element of surprise, saying if he said that it would have been a joke. Subject Mascheroni denied telling Witness [redacted] he was there on official business.

Subject Mascheroni said he only asked for the room number and Witness [redacted] gave him the key and told him he would need the key to get through the doors and hallways. Subject Mascheroni did not realize it was a room key. Subject Mascheroni took the key and went to Ms. [redacted] room, not knowing it was a room key. Subject Mascheroni knocked on the hotel room door and put the key into the door and saw the key unlocked the door. Subject Mascheroni was not sure if she [redacted] said to come in, but at that point he went into the hotel room.

Once inside the hotel room Subject Mascheroni saw Ms. [redacted] was seated on the bed and covered up by a blanket. Ms [redacted] asked Subject Mascheroni what he was doing there. Subject Mascheroni saw a small spot of blood on the bed and said, "I guess I had to see it for myself," and asked Ms. [redacted] if she was okay and if it was mutual. Ms. [redacted] told Subject Mascheroni she was okay and that it was mutual. Subject Mascheroni asked Ms. [redacted] if she needed a ride to her car. Subject Mascheroni said she told him that she did and asked him to wait till after she took a shower. Subject Mascheroni waited inside the hotel room while Ms. [redacted] showered.

While Subject Mascheroni was talking with Ms. [redacted] prior to her taking a shower, he took a picture of her sitting on the bed.

IAB Note: Subject Mascheroni provided a copy of the picture he took of Ms. [redacted] on the hotel room bed, which is included with this investigation as **Exhibit G.**

Subject Mascheroni did not recall sending the picture to Mr. [redacted]. When confronted with the text message that he allegedly sent to Mr. [redacted] along with the picture stating, "Thanks for paying for the room. The $94 we got a two-for-one deal, lucky number two," Subject Mascheroni admitted to sending a text message stating something similar to that, but did not recall sending the picture of Ms. [redacted] on the bed. Subject Mascheroni said he immediately retracted the statement in the text message to Mr. [redacted] saying he only sent the message to antagonize Mr. [redacted]

After Ms. [redacted] took a shower, Subject Mascheroni said she changed her mind about needing a ride to her car. They had a short conversation about how she would get to her car, and he took Ms. [redacted] pants and left the hotel room. Subject Mascheroni said he did not have any reason to take Ms. [redacted] pants; he was just being "Childish." He later realized how childish it was and text Ms. [redacted] asking her if she wanted him to bring her pants back. Subject Mascheroni and Ms. [redacted] communicated via text about what he would do with her pants and Subject Mascheroni said she told him to leave them in in car. Subject Mascheroni placed her pants through a partially open window. Subject Mascheroni denied taking any gift cards from Ms. [redacted] car or writing a note on her computer stating he took the gift cards.

The only contact Subject Mascheroni has had with Ms. [redacted] since January 8, 2013, was during a court hearing at Pomona Court regarding a restraining order filed against Subject Mascheroni by Ms. [redacted] Pursuant to a negotiation between Mr. Kander and Ms. [redacted] the restraining order was dismissed.

During Subject Mascheroni's interview, he identified himself on two screen shot photos captured from the Doubletree hotel lobby video. The two screen shot photos are included with this investigation as **Exhibit H.**

On October 3, 2013, Subject Mascheroni provided several pages of text messages, instant messages and emails he received as a result of the software installed on Ms. [redacted] cell phone. The documents provided by Subject Mascheroni were separated and placed into **Exhibits D-G**. A complete copy of all the items provided by Subject Mascheroni is included with this investigation in **Miscellaneous Documents.**

For Subject Mascheroni's complete statement, refer to his interview transcript, included in this case book.



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



November 7, 2013

Deputy Albert Mascheroni, #[redacted]

Dear Deputy Mascheroni:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business December 3, 2013.

An investigation under IAB File Number IV2328250, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders [as it pertains to 637.7 P.C., Tracking Device, 502 (c) (8) P.C., Knowingly Introducing Any Computer Contaminant, 502 (c) (4) P.C., Knowingly Access without Permission, and 646.9 P.C., Stalking]; and/or 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/000.13, Professional Conduct – Core Values, on or about 2012 and continuing through January 8, 2013, you treated [redacted] in an uncivil and disrespectful manner and conducted yourself in conflict with the Department's Core Values as you admitted you demonstrated a pattern of undesirable and unprofessional behavior when you purposely used an electronic device, and/or physically tracked [redacted] by following her in an effort to surreptitiously monitor her movements and activity; and/or demeaned [redacted] by publishing semi-nude pictures of her as evidenced by, but not limited to:

a. admitting you installed software on [redacted] cellular telephone and used the software to track her location and view her text messages; and/or,

b. replying, "I can see, yes," when asked if you could track [redacted] using GPS, and/or words to that effect; and/or,

c. stating, "I don't , I mean, it's not like I'm tracking a random person. I'm not tracking a girl I just dated, you know, for a day or a week or two. I'm, it's not tracking her. It's, for me, it was making sure she's okay," and/or words to that effect; and/or,

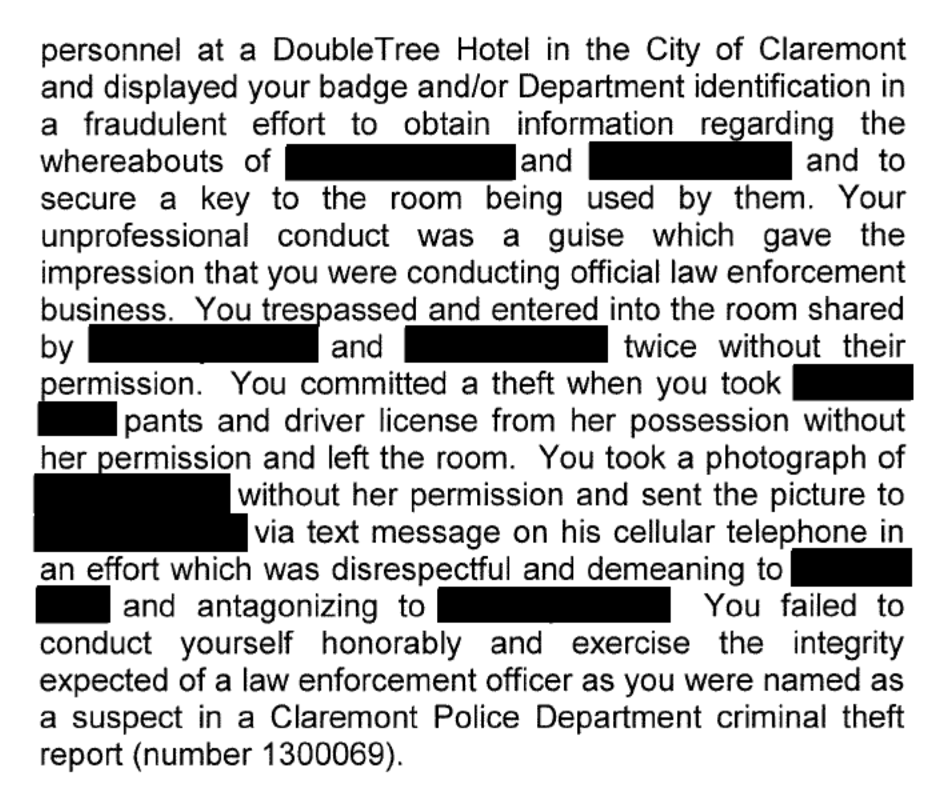
d. admitting you went to a Chili's restaurant on January 7, 2013, where [redacted] met [redacted] and contacted her when she was not expecting to see you, and later spent the night in your truck in the restaurant's parking lot since you had been drinking alcoholic beverages, and to make sure she was okay; and/or,

e. admitting you accessed [redacted] Facebook account and downloaded semi-nude pictures of [redacted] onto her Facebook account without her permission; and/or,

f. admitting you went to the DoubleTree Hotel in the city of Claremont on January 8, 2013, to contact [redacted] after monitoring her text messages and using an electronic tracking device to determine that [redacted] was at that location.

Your conduct brought discredit to yourself and/or the Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders [as it pertains to 637.7 P.C., Tracking Device, 487 (c) P.C., Grand Theft Person, 646.9 P.C., Stalking, and 602 P.C., Trespass]; and/or 3-01/050.30, Off-Duty Incidents; and/or 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/000.13, Professional Conduct – Core Values; and/or 3-01/030.15, Conduct Toward Others, on or about January 8, 2013, your conduct did not conform to the Department's Core Values as you admitted you demonstrated a pattern of undesirable and unprofessional behavior when you willfully approached desk



personnel at a DoubleTree Hotel in the City of Claremont and displayed your badge and/or Department identification in a fraudulent effort to obtain information regarding the whereabouts of [redacted] and [redacted] and to secure a key to the room being used by them. Your unprofessional conduct was a guise which gave the impression that you were conducting official law enforcement business. You trespassed and entered into the room shared by [redacted] and [redacted] twice without their permission. You committed a theft when you took [redacted] pants and driver license from her possession without her permission and left the room. You took a photograph of [redacted] without her permission and sent the picture to [redacted] via text message on his cellular telephone in an effort which was disrespectful and demeaning to [redacted] and antagonizing to [redacted] You failed to conduct yourself honorably and exercise the integrity expected of a law enforcement officer as you were named as a suspect in a Claremont Police Department criminal theft report (number 1300069).

Although you were named as a theft suspect in a Claremont Police Department criminal report (1300069), no charges were filed by the District Attorney's Office as [redacted] was not desirous of prosecution and did not want you to lose your employment. You admitted you were named in a restraining order obtained by [redacted] but efforts to secure a permanent order were negotiated away with a promise that you would not make contact with [redacted] Your conduct brought discredit to yourself and the Department. You admitted you failed to notify your supervisor of this incident and/or you being named as a suspect in the Claremont Police Department report (number 1300069).

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal investigations, on or about September 25, 2013, you failed to make full, complete or truthful statements and/or made false statements during an administrative interview as evidenced by, but not limited to:

   a. denying that you told [redacted] that you were "actually an officer on business," and/or words to that effect; and/or,

b. denying that you stated to [redacted] that you "did not want to ruin the element of surprise," and/or words to that effect; and/or,

c. stating that when you took a picture of [redacted] in the hotel room, she was fully clothed, and/or words to that effect; and/or,

d. stating that you did, "nothing" with the picture you took of [redacted] in the hotel room, and/or words to that effect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Michael Rothans, on December 3, 2013, at 1400 hours, in his office, which is located at 4700 Ramona Boulevard, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to December 3, 2013, for your oral response, please call Chief Rothans' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Rothans' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Rothans' office by no later than December 3, 2013.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:PMP:cj

c: Advocacy Unit
Employee Relations Unit
Chief Michael J. Rothans, South Patrol Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2328250)



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

April 6, 2016

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***ALBERT MASCHERONI*** *for a hearing on his* **discharge**, *effective December 9, 2013, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 14-21.**

The Civil Service Commission, at its meeting held on March 30, 2016 approved findings in the above-entitled case. The Petitioner's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Albert Mascheroni
Amanda Waters
Jolina Abrena
Hugo S. Rossitter

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective December 9, 2013, from the position of Deputy Sheriff, Sheriff's Department, of* **ALBERT MASCHERONI** **(Case No. 14-21)**	)))))))))	ORDER OF THE CIVIL SERVICE COMMISSION

On March 30, 2016, the Civil Service Commission of the County of Los Angeles over-ruled the Petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Hugo S. Rossitter, to sustain the Department.

Dated this 6th day of April, 2016.

Z. GREG KAHWAJIAN, President

DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

STEVEN AFRIAT, Member

JOHN DONNER, Member

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

In the Matter of the Appeal by **ALBERT MASCHERONI** Appellant And **LOS ANGELES COUNTY SHERIFF'S DEPARTMENT** Respondent	)	Case No. 14-21 **HEARING OFFICERS'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED DECISION**

APPPEARANCES

Hearing Officer: Hugo S. Rossitter

For the Appellant: Amanda J. Waters, Esq.
Green and Shinee, A.P.C.
16055 Ventura Blvd., Suite 1000
Encino, CA 91436

For the Department: Jolina Abrena, Esq.
Liebert Cassidy Whitmore, A Professional Law Corporation
6033 West Century Blvd., 5th Floor
Los Angeles, CA 90045

Hearing Dates: July 23, 24, and August 7, 2015

ISSUES

On March 5th, 2014 the Civil Service Commission defined the issues in this matter as:

1. Are allegations contained in the decision of December 10, 2013 true?

2. If any or all are true, is the discipline appropriate?

EXHIBITS

Department:

1. Memo re Albert Mascheroni, dated 11/05/13
2. Notice of Intent to Discharge, dated 11/07/13
3. Receipt for Case Materials and CD, dated 11/06/13
4. Letter re Notice of Discharge, dated 12/10/13
5. Letter forwarding copy of letter of Imposition to Discharge, dated 1/10/14
6. Internal Affair Bureau Investigative Report

6-1 Investigator's Log (Bates 6-1 20 6-2)

6-1 Table of Contents of IA Investigation Report (Bates 6-3 to 6-4)

6-1 Audio/Video Tracking Sheet (Bates 6-6)

6-1 Personnel Investigation Sheet Cover Page (Bates 6-7 to 6-10)

6-1 Investigative Summary (Bates 6-11 to 6-26)

6-1 Table of Contents of IA Investigation Report (Bates 6-3 to 6-4)

6-1 Audio/Video Tracking Sheet (Bates 6-6)

6-1 Personnel Investigation Cover Sheet (Bates 6-7 to 6-10)

6-1 Investigative Summary (Bates 6-11 to 6-26)

6-1 1/8/13 interview of [redacted] by Dinh (Bates 6-27 to 6-41)

6-1 8/29/13 interview of [redacted] by Carrizosa (Bates 6-42 to 6-58)

6-1 9/26/13 interview of [redacted] by Carrizosa (Bates 6-59 to 6-61)

6-1 1/8/13 interview of [redacted] by Dihn (Bates 6-62 to 6-72)

6-1 8/28/13 interview of [redacted] by Carrizosa (Bates 6-73 to 6-90)

6-1 1/8/13 interview of [redacted] by Dihn (Bates 6-81 to 6-93)

6-1 8/29/13 interview of [redacted] by Carrizosa (Bates 6-94 to 6-99)

6-1 1/8/13 interview of [redacted] by Dihn (Bates 6-100 to 6-104)

6-1 9/11/13 interview of [redacted] by Carrizosa (Bates 6-105 to 6-110)

6-1 9/25/13 interview of Albert Mascheroni (Bates 6-111 to 6-166)

Exhibits Attached to IA Investigation Report

6-A Claremont Incident Report#1300069 (Bates 6-A-1 to 6-A-13)

6-B CD-R Doubletree Video Surveillance (Bates 6-B-1 to 6-B-2)

6-C Dihn 1/5/13 Office Correspondence (Bates 6-C-1 to 6-C-6)

6-D Text Messages & Photos supplied by Mascheroni (Bates 6-D-1 to 6-D-15)

6-E Text Messages between [redacted] and [redacted] using term "rape" supplied by Mascheroni (Bates 6-E-1 to 6-E-9)

6-F Text messages between [redacted] and [redacted] 1/7/13 to 1/8/13 supplied by Mascheroni (Bates 6-F-1 to 6-F-10)

6-G Picture of [redacted] taken by Mascheroni (Bates 6-G-1 to 6-G-2)

6-H Two screen shot photos from hotel video (Bates 6-H-1 to 6-H-3)

6-I Miscellaneous Documents

6-I Administrative Rights Form and Video Admonishment (Bates 6-I-1 to 6-I-2)

6-I Claremont PD Investigation Report Case #13-0G69 (Bates 6-I-3)

6-I Doubletree Shift Reports 1/7/13 and 1/8/13 (Bates 6-I-4 to 6-I-10)

6-I Documents supplied by Mascheroni (Bates 6-I-11 to 6-I-33)

6-I Request for IA investigation (Bates 6-I-34 to 6-I-48)

6-I Mascheronia relieved of duty paperwork 1-10-2013 (Bates 6-I-49 to 6-I-50)

6-IIAB Mandatory Notification Form (Bates 6-I-51 to 6-I-53)

Appellant:

A. Claremont Police Department – Investigation Report

B. General Behavior Policy

C. Guidelines for Discipline

D. Performance Evaluations

Background

Appellant Albert Mascheroni (hereinafter "Appellant" or Mascheroni") was employed by the Los Angeles Sheriff's Department ('Department") as a Deputy Sheriff from 2007. After working at the Men's Central Jail for several years, he transferred to the Lakewood Patrol Station, where he worked patrol duty under the supervision of Lt. Minh Dinh, the Day Shift Watch Commander. In early January, 2013 Appellant was on injury-on-duty ("IOD") leave. By Notice dated December 10, 2013 Appellant was notified by the Department that he was discharged from his position with the Department, effective December 9, 2013. (Exh. 4). The three grounds for the discharge were:

1. Violation of Manual of Policy and Procedures Sections Sections 3-D1/D30.1D Obedience to Laws, Regulations and Orders (as it pertains to 637.7 PC, Tracking Device, 502(c)(8) PC, Knowingly Introducing Any Computer Contaminant, 502(c)(4) PC, Knowingly Access Without Permission, and 646.9 PC, Stalking; and/or 3-01/030.05, General Behavior; and 3-01/030.15 Conduct Towards Others; and/or 3.01/000.13 Professional Conduct- Core Values, on or about 2102 and continuing through January 8, 2013 you treated [redacted] in an uncivil and disrespectful manner and conducted yourself in conflict with the Department's Core Values, bringing discredit to Appellant and the Department.

2. That in violation of Manual of Policy and Procedures Sections3-01/030.10, Obedience to Laws, Regulations and Orders (as it pertains to 637.7 PC, Tracking Device, 487 (c), Grand Theft Person, 646.9 PC, Stalking, and 602 PC Trespass, and/or 3-01/050.30 Off-Duty Incidents; and/or 3-01/030.05, General Behavior; and/or 3-01/000.13 Professional Conduct – Core Values; and/or 3-01/030.15, Conduct Towards Others Appellant displayed his official badge and identification to gain access to [redacted] hotel room, stole [redacted] pants and drivers license, took a picture without permission and sent it to [redacted] [redacted] was named as a suspect in a report by the Claremont Police Department, and failed to notify his supervisor of the incident and of being named in restraining order obtained by [redacted]

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75 Failure to Make Statements and/or Making False Statements during Departmental Internal Investigations, Appellant failed to make full, complete and truthful statements on or about September 25, 2013 during an administrative interview by denying making statements to [redacted] as to being on official business, and stating that [redacted] was fully clothed when Appellant took her picture, and denying that Appellant sent the picture to [redacted]

EVIDENCE

Appellant had a decade long on and off relationship with [redacted] who is not an employee of the Department. For various periods of time the two lived together. During the same period of time [redacted] also had a relationship with [redacted] who is a firefighter employed by the Los Angeles County Fire Department. During the years prior to January, 2013 [redacted] and Appellant had a number of intermittent electronic text message or Facebook exchanges, but never met in person. In several previous messages, [redacted] challenged Appellant to a fight over

[redacted] which would be refereed. No such fight or physical encounter occurred. [redacted] acquired a new cell phone in the fall of 2012, and asked Appellant, who apparently is very knowledgeable as to cell phone and computer technology, to set up her phone and install various apps similar to the ones he had. He offered, and she accepted, to link her phone to a common account, so that he could do the installation. This commonality of account resulted in Appellant being able to remotely read [redacted] emails and text messages. [redacted] also consented to Appellant installing the Find My Phone application on her cell phone, which enabled Appellant to identify the GPS location of her cell phone when it was powered up. During the time immediately prior to January, 2013 Appellant and [redacted] were communicating and physically saw each other over the Christmas holiday. On the night of January 7, 2013 Appellant asked [redacted] to get together that evening, but she declined, saying she was going to bed. Appellant, by monitoring her email, believed that [redacted] was going to meet [redacted] at the Chili's in Glendora.

Appellant went to the Chili's and saw [redacted] They spoke very briefly, and then [redacted] entered the bar. Appellant and [redacted] had a brief exchange, and then Appellant went out to his car. [redacted] and [redacted] drove away, with [redacted] removing the battery from her phone, apparently to prevent Appellant from tracking her. Appellant went back into the bar and became intoxicated. Appellant left the bar and returned to his vehicle. He had access to [redacted] Facebook account and posted several nude and semi-nude pictures of her on her Facebook page. Then he slept in his vehicle until the early morning. He attempted to locate her phone electronically but could not do so until the morning. At that point, they had a text message exchange, and [redacted] said she was at a friend's house but the Find My Phone app showed him that she was in Claremont.

Appellant drove to the location indicated by GPS, which was a Doubletree hotel in Claremont. Appellant entered the hotel and spoke to assistant manager on duty at the registration desk [redacted] He asked if [redacted] or [redacted] were registered in the hotel, and showed

[redacted] both his LASD badge and official identification. [redacted] provided him with a keycard to the room registered to [redacted] Appellant went to the room and had an exchange with [redacted] through the door, during which Appellant used the keycard to open the door. He asked [redacted] if she was allright and did she want a ride to her car, which was still in the parking lot in Glendora? Appellant at first said she did, and then said she was fine and did not want a ride. Appellant then took Appellant's pants and walked quickly out the door.

Shortly thereafter Appellant texted [redacted] and asked if she wanted him to bring her pants back. She replied that she did not, and he should put her pants through the partially open window of her car. While driving back to Glendora, Appellant found [redacted] driver's license in her pants, and also testified that he found three pills, which he flushed down a gas station toilet. Appellant also had some text communications with [redacted] which included sending a photo of [redacted] in the room. [redacted] responded by calling the hotel and saying to the manager that he was not responsible for any further charges to the room, as he had left for work.

Appellant did not make any report to Lt. Dinh or anyone at LASD. Appellant was subsequently contacted by Lt. Dinh, who shortly thereafter placed Appellant on administrative leave. [redacted] obtained a Temporary Restraining Order against Appellant, but as a result of a negotiated agreement did not seek a permanent restraining order. Appellant did not inform LASD about the Temporary Restraining Order.

There was no subsequent contact between [redacted] and Appellant.

DISCUSSION

The relationship between Appellant and [redacted] appears to have had all the complexity, with ups and downs, of a soap opera over many years. In order to decide this matter, it is important to focus on the events on January 7 and 8, 2012 and the acts and statements made

by Appellant on those two days, together his statements when interviewed on September 25, 2013.

There is no dispute that Appellant installed various apps and programs on [redacted] cell phone at her request. While [redacted] testified that she did not realize at the time that the Find My Phone app would enable Appellant to know the location of her phone, nevertheless her testimony showed that she had come to understand that Appellant was able to determine her location. This is shown by her removing the battery from her phone on the night of January 7th in order to prevent Appellant from tracking her. Appellant admitted that he could view the email and text messages of [redacted] through the common account link. He stated that this was always done for the purpose of "making sure she was okay". Appellant admitted that he, using [redacted] password, loaded several nude pictures of [redacted] onto her Facebook account during the night of January 7th, which pictures were seen by others, including [redacted] mother. Appellant took the pictures down several hours later.

It is not clear that installation of and use of the Find My Phone app by Appellant to establish [redacted] location is a violation of PC 637.7 Tracking Devices. This is particularly so since no action by Appellant involved attaching or activating a tracking device on [redacted] vehicle. It is also not clear that installation of the apps, done with permission of the device, was a violation of PC 502(c)8) Knowingly Introducing Any Computer Contaminant. However, it seems established by the record, including the statements and testimony of Appellant, that he did access [redacted] Facebook account utilizing her password, and posted nude or semi-nude pictures of her on her Facebook page. These actions were not done with the prior consent and/or subsequent approval of [redacted] It is also established that Appellant followed [redacted] to the Chili's in Glendora and made unexpected and unwelcome contact with her. Appellant's explanation that this was done solely in order to check on her welfare is not credible.

When Appellant arrived at the Doubletree Hotel in Claremont early in the morning of January 8th he spoke to the manager on duty, [redacted] To obtain information as to the room occupied by [redacted] rented by [redacted] Appellant showed [redacted] his LASD shield and his LASD official identification. It is clear from the record that Appellant was not on any kind of official business. His claim that he was only motivated by concern for the welfare of [redacted] even if granted arguendo, does not justify the use of his official badge and identification to obtain a keycard to [redacted] room from [redacted] This was amplified by him telling [redacted] not to phone [redacted] in the room, as it would remove the element of surprise. In any case, Appellant himself could have attempted to telephone [redacted] on her cell, or to call her room on a house phone.

After entering the room, Appellant took a photo of [redacted] which he later sent to [redacted] When [redacted] said she did not want to leave with Appellant, he took her pants with him as he left the room.

After the hotel called the Claremont Police Department, Appellant was named as a suspect in their crime report. Appellant was also the subject of a Temporary Restraining Order obtained by [redacted] However, no subsequent Permanent Restraining Order was obtained. In any case, Appellant did not inform LASD and/or his supervisor of the events, and particularly the Temporary Restraining Order.

When questioned by the Department during an Internal Affairs interview on September 25, 2013 denied saying or implying that he was on official law enforcement business when he spoke to [redacted] at the hotel desk. He also denied saying that he "didn't want to ruin the element of surprise" when [redacted] offered to call the room. Appellant's responses as to whether he did anything with the photo he took of [redacted] are not clear and seem qualified (Dept 6-149)

Despite the investigation and police report by the Claremont Police Department and the conclusion by Department investigators that Appellant's action might constitute criminal violations of various Penal Code sections relating to misuse of electronic devices, stalking, trespass and grand theft, no criminal charges were brought against Appellant. A Temporary Restraining Order against was obtained by [redacted] but no Permanent Order thereafter.

Appellant's overall conduct as a peace officer with the Department is appalling. His use of electronic linkage to her cell phone and email to track her movements, to read her email and text messages, and to appear unexpectedly at her location is unacceptable and unprofessional. While [redacted] may have consented to the installation of various apps on her phone, that does not constitute consent to their misuse by Appellant. Appellant's pursuit of [redacted] on January 7th and 8th is clearly obsessive stalking-like conduct, which is compounded by Appellant utilizing [redacted] password to post nude or semi-nude photos of [redacted] on her Facebook page. That the conduct resulted in a Temporary Restraining Order only serves to underline the seriousness of the conduct. Appellant's actions in utilizing his official Sheriff's Department shield and identification at the Doubletree Hotel clearly gave [redacted] the understanding that Appellant was at the hotel in an official capacity, when Appellant was not on any official business, and in another department's jurisdiction. Lastly. Appellant's failure to notify the Department of any of these events and the Temporary Restraining Order was a violation of Departmental Policy.

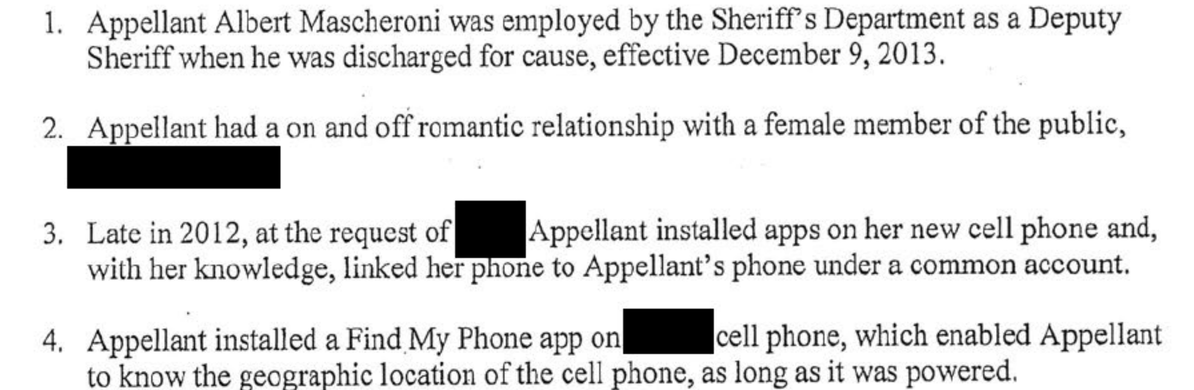
In reviewing the Department's Guidelines for Discipline and Education-Based Alternatives (Exh. C), the Guidelines address non-progressive discipline, i.e. discharge without prior disciplinary action. Determining factors are the seriousness of the offense, the attitude of the employee concerning the current incident. Discipline may be imposed for Unacceptable Off-The-Job Conduct, where the conduct is related to and impacts the Department's operation or the employee's ability to perform competently, up to and including discharge.

The Department exhaustively investigated Appellant's actions and statements, including listening to and considering Appellant's response at the Skelly hearing. The Department decided to discharge Appellant not only because of the aggregate number of offenses he committed which brought discredit upon himself and the Department, but also because Appellant did not appear to take responsibility for or have any remorse as to his actions, other than not wishing to be discharged.

It is my conclusion that the evidence and testimony presented in the hearing before me fully supports the Department's decision to discharge Appellant.

FINDINGS OF FACT

1. Appellant Albert Mascheroni was employed by the Sheriff's Department as a Deputy Sheriff when he was discharged for cause, effective December 9, 2013.

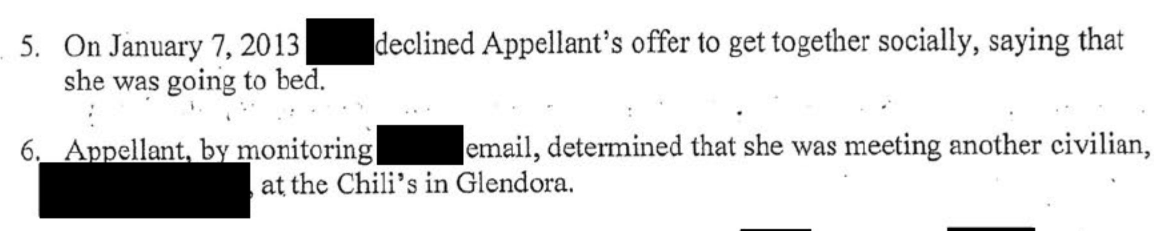


2. Appellant had a on and off romantic relationship with a female member of the public, [redacted]

3. Late in 2012, at the request of [redacted] Appellant installed apps on her new cell phone and, with her knowledge, linked her phone to Appellant's phone under a common account.

4. Appellant installed a Find My Phone app on [redacted] cell phone, which enabled Appellant to know the geographic location of the cell phone, as long as it was powered.

5. On January 7, 2013 [redacted] declined Appellant's offer to get together socially, saying that she was going to bed.

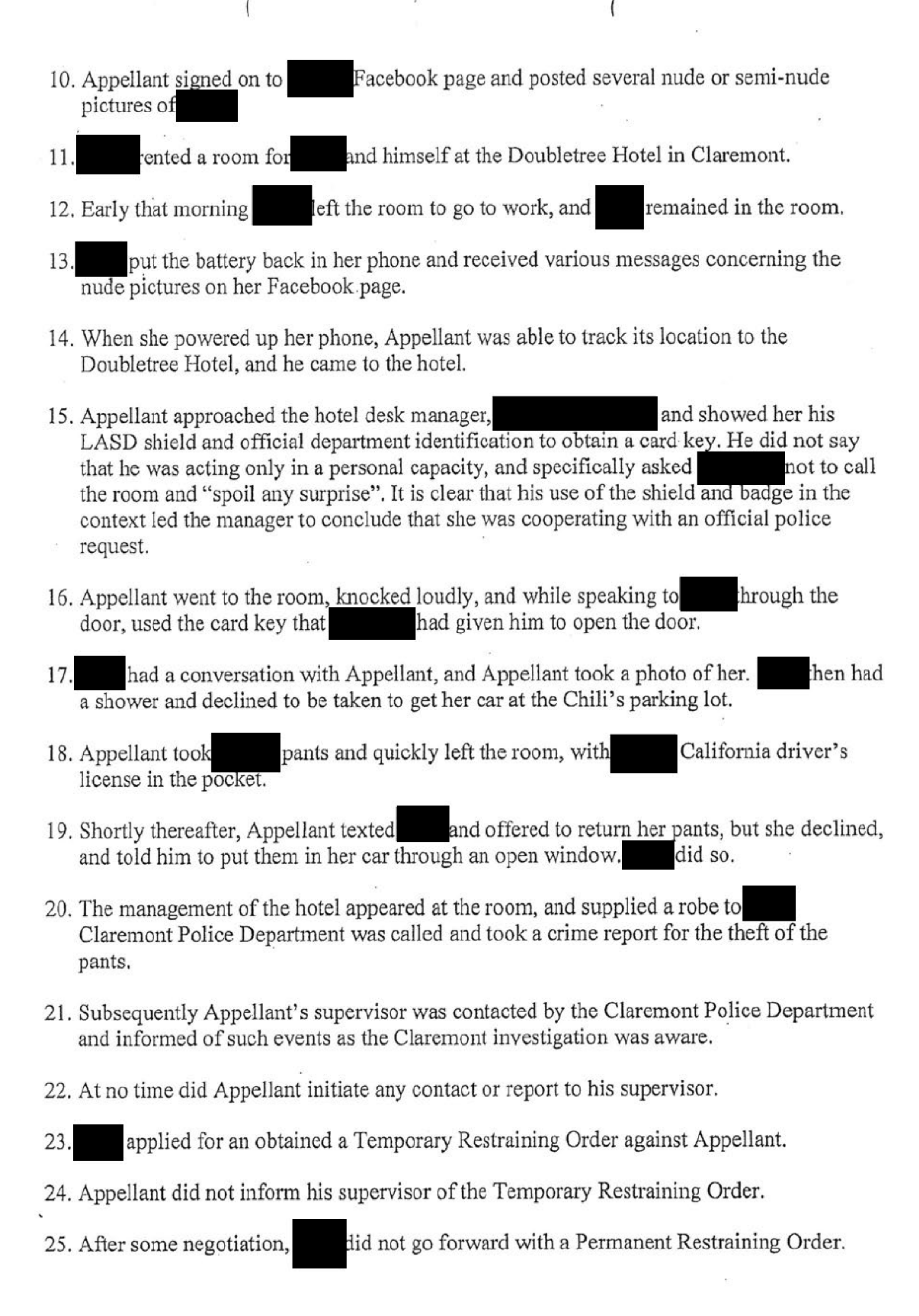


6. Appellant, by monitoring [redacted] email, determined that she was meeting another civilian, [redacted], at the Chili's in Glendora.

7. Appellant drove to the Chili's where he spoke briefly to [redacted] and then to [redacted] and walked out of the bar.

8. [redacted] and [redacted] left the location in [redacted] vehicle and Appellant remained at the Chili's, where he became intoxicated and spent the night in his truck in the parking lot.

9. Appellant attempted to establish the location of [redacted] cell phone, but, unknown to Appellant, [redacted] had removed the battery and could not be tracked.



10. Appellant signed on to [redacted] Facebook page and posted several nude or semi-nude pictures of [redacted]

11. [redacted] ented a room for [redacted] and himself at the Doubletree Hotel in Claremont.

12. Early that morning [redacted] eft the room to go to work, and [redacted] remained in the room.

13. [redacted] put the battery back in her phone and received various messages concerning the nude pictures on her Facebook page.

14. When she powered up her phone, Appellant was able to track its location to the Doubletree Hotel, and he came to the hotel.

15. Appellant approached the hotel desk manager, [redacted] and showed her his LASD shield and official department identification to obtain a card key. He did not say that he was acting only in a personal capacity, and specifically asked [redacted] not to call the room and "spoil any surprise". It is clear that his use of the shield and badge in the context led the manager to conclude that she was cooperating with an official police request.

16. Appellant went to the room, knocked loudly, and while speaking to [redacted] hrough the door, used the card key that [redacted] had given him to open the door.

17. [redacted] had a conversation with Appellant, and Appellant took a photo of her. [redacted] hen had a shower and declined to be taken to get her car at the Chili's parking lot.

18. Appellant took [redacted] pants and quickly left the room, with [redacted] California driver's license in the pocket.

19. Shortly thereafter, Appellant texted [redacted] and offered to return her pants, but she declined, and told him to put them in her car through an open window. [redacted] did so.

20. The management of the hotel appeared at the room, and supplied a robe to [redacted] Claremont Police Department was called and took a crime report for the theft of the pants.

21. Subsequently Appellant's supervisor was contacted by the Claremont Police Department and informed of such events as the Claremont investigation was aware.

22. At no time did Appellant initiate any contact or report to his supervisor.

23. [redacted] applied for an obtained a Temporary Restraining Order against Appellant.

24. Appellant did not inform his supervisor of the Temporary Restraining Order.

25. After some negotiation, [redacted] lid not go forward with a Permanent Restraining Order.

26. When Appellant was interviewed by the Department investigators on September 25, 2013 he was vague as to many of his responses as to his actions on January 7th and 8th, denied sending the photo of [redacted] to Venti on January 8th, and denied saying that he was on official business at the Doubletree Hotel.

27. Appellant's actions on January 7th and 8th brought discredit on himself and the Department by him falsely projecting himself at the Doubletree Hotel as on official police business.

28. Appellant's installation and use of the tracking software on [redacted] cell phone constituted stalking behavior, particularly as it involved his appearance at the Chili's on January 7th and at the Doubletree Hotel on January 8th.

29. Appellant's taking of [redacted] clothing when leaving her room brought discredit on himself and the Department.

30. That Appellant's actions violated the Department's Manual of Policy and Procedures Sections 3-01/030.10 Obedience to Laws, Regulations and Orders.

31. That Appellant's actions violated Manual of Policy and Procedures 3-01/030.05 General Behavior and 3-01/030.15 Conduct towards others, and 3-01/000.13 Professional Conduct-Core Values in his actions towards and concerning [redacted] on January 7th and 8th, 2013.

32. That Appellant's actions violated Manual of Policy and Procedures 3-01/030.05 General Behavior and 3-01/030.15 Conduct towards others, and 3-01/000.13 Professional Conduct-Core Values in his actions at the Doubletree Hotel on January 8th, 2013.

33. That Appellant violated Manual of Policy and Procedures Section 3-01/040.75 Failure to Make Statement or Making False Statements During Departmental Internal Investigations on September 25, 2013 by denying statements made to [redacted] on January 8th that Appellant was on official business, denying that he said to [redacted] that he did not want to ruin the element of surprise, and stating that he did nothing with the picture he took of [redacted] that night,

CONCLUSIONS OF LAW

1. The Department has met its burden in proving that the allegations contained in its letter of December 10, 2013, are true.

2. The Department met its burden in providing that the discipline is appropriate and within the Departmental disciplinary policies.

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RECOMMENDATION TO COMMISSION

Based upon the foregoing Findings of Fact and Conclusions of Law, the recommendation is that the discharge be sustained.

Dated: December 4, 2015

Respectfully Submitted

Hugo S. Rossitter
Hearing Officer



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

December 10, 2013

Deputy Albert Mascheroni, #[redacted]
[redacted]

Dear Deputy Mascheroni:

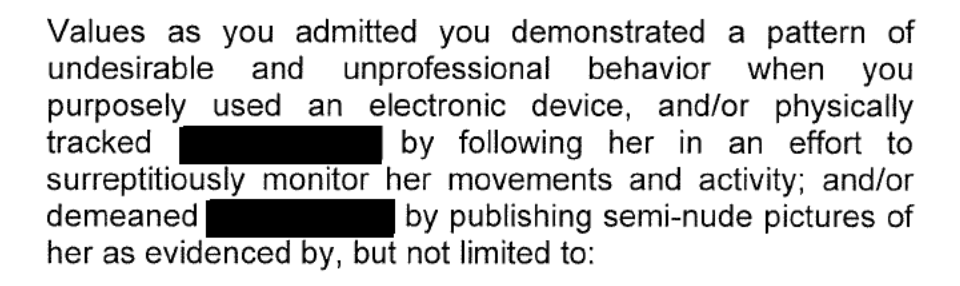
On November 7, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2328250. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on December 9, 2013.

An investigation under File Number IAB 2328250, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders [as it pertains to 637.7 P.C., Tracking Device, 502 (c) (8) P.C., Knowingly Introducing Any Computer Contaminant, 502 (c) (4) P.C., Knowingly Access without Permission, and 646.9 P.C., Stalking]; and/or 3-01/030.05, General Behavior; and/or 3-01/030.15, Conduct Toward Others; and/or 3-01/000.13, Professional Conduct – Core Values, on or about 2012 and continuing through January 8, 2013, you treated [redacted] in an uncivil and disrespectful manner and conducted yourself in conflict with the Department's Core



Values as you admitted you demonstrated a pattern of undesirable and unprofessional behavior when you purposely used an electronic device, and/or physically tracked [redacted] by following her in an effort to surreptitiously monitor her movements and activity; and/or demeaned [redacted] by publishing semi-nude pictures of her as evidenced by, but not limited to:

a. admitting you installed software on [redacted] cellular telephone and used the software to track her location and view her text messages; and/or,

b. replying, "I can see, yes," when asked if you could track [redacted] using GPS, and/or words to that effect; and/or,

c. stating, "I don't , I mean, it's not like I'm tracking a random person. I'm not tracking a girl I just dated, you know, for a day or a week or two. I'm, it's not tracking her. It's, for me, it was making sure she's okay," and/or words to that effect; and/or,

d. admitting you went to a Chili's restaurant on January 7, 2013, where [redacted] met [redacted] and contacted her when she was not expecting to see you, and later spent the night in your truck in the restaurant's parking lot since you had been drinking alcoholic beverages, and to make sure she was okay; and/or,

e. admitting you accessed [redacted] Facebook account and downloaded semi-nude pictures of [redacted] onto her Facebook account without her permission; and/or,

f. admitting you went to the DoubleTree Hotel in the city of Claremont on January 8, 2013, to contact [redacted] after monitoring her text messages and using an electronic tracking device to determine that [redacted] was at that location.

Your conduct brought discredit to yourself and/or the Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders [as it pertains to 637.7 P.C., Tracking Device, 487 (c) P.C., Grand Theft Person, 646.9 P.C., Stalking, and 602 P.C., Trespass]; and/or 3-01/050.30, Off-Duty Incidents; and/or 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct; and/or 3-01/000.13, Professional Conduct – Core Values; and/or 3-01/030.15, Conduct Toward Others, on or about January 8, 2013, your conduct did not conform to the Department's Core Values as you admitted you demonstrated a pattern of undesirable and unprofessional behavior when you willfully approached desk personnel at a DoubleTree Hotel in the City of Claremont and displayed your badge and/or Department identification in a fraudulent effort to obtain information regarding the whereabouts of [redacted] and [redacted] and to secure a key to the room being used by them. Your unprofessional conduct was a guise which gave the impression that you were conducting official law enforcement business. You trespassed and entered into the room shared by [redacted] and [redacted] twice without their permission. You committed a theft when you took [redacted] pants and driver license from her possession without her permission and left the room. You took a photograph of [redacted] without her permission and sent the picture to [redacted] via text message on his cellular telephone in an effort which was disrespectful and demeaning to [redacted] and antagonizing to [redacted] You failed to conduct yourself honorably and exercise the integrity expected of a law enforcement officer as you were named as a suspect in a Claremont Police Department criminal theft report (number 1300069).

Although you were named as a theft suspect in a Claremont Police Department criminal report (1300069), no charges were filed by the District Attorney's Office as [redacted] was not desirous of prosecution and did not want you to lose your employment. You admitted you were named in a restraining order obtained by [redacted] but efforts to secure a permanent order were negotiated away with a promise that you would not make contact with [redacted]. Your conduct brought discredit to yourself and the Department. You admitted you failed to notify your

supervisor of this incident and/or you being named as a suspect in the Claremont Police Department report (number [redacted]).

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal investigations, on or about September 25, 2013, you failed to make full, complete or truthful statements and/or made false statements during an administrative interview as evidenced by, but not limited to:

   a. denying that you told [redacted] that you were "actually an officer on business," and/or words to that effect; and/or,

   b. denying that you stated to [redacted] that you "did not want to ruin the element of surprise," and/or words to that effect; and/or,

   c. stating that when you took a picture of [redacted] in the hotel room, she was fully clothed, and/or words to that effect; and/or,

   d. stating that you did, "nothing" with the picture you took of [redacted] in the hotel room, and/or words to that effect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

MICHAEL J. ROTHANS, CHIEF
SOUTH PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

MJR:AEA:jp

c: Advocacy Unit
Chief Michael J. Rothans, South Patrol Division
Merrill E. Ladenheim, Captain, Lakewood Station
Internal Affairs Bureau
Office of Independent Review (OIR)
Judy A. Gerhardt, Captain, Personnel Administration
Doreen Garcia